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7
8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,
12 Plaintiff,

13 v.

14 APPROXIMATELY \$250,000.00 IN U.S.
15 CURRENCY SEIZED FROM BANK OF
16 AMERICA ACCOUNT NUMBER
0009001010, HELD IN THE NAME OF
17 SAMY M. HAUTER,

18 APPROXIMATELY \$121,821.00 IN U.S.
19 CURRENCY SEIZED FROM WELLS
FARGO ACCOUNT NUMBER 8303260072,
HELD IN THE NAME OF BOB M. HAUTER,

20 APPROXIMATELY \$77,437.98 IN U.S.
21 CURRENCY SEIZED FROM CITIBANK
22 ACCOUNT NUMBER 40036583595, HELD
IN THE NAME OF BOB HAUTER, and

23 APPROXIMATELY \$985.53 IN U.S.
24 CURRENCY SEIZED FROM WELLS
25 FARGO BANK ACCOUNT NUMBER
7268864399, HELD IN THE NAME OF
BOB M. HAUTER,

26 Defendants.
27

CASE NO. 1:12-CV-00224-LJO-SAB

FINAL JUDGMENT OF FORFEITURE

1 Pursuant to the Stipulation for Final Judgment of Forfeiture, the Court finds:

- 2 1. This is a civil action involving approximately \$250,000.00 seized from Bank of America account
3 number 00090001010 on September 14, 2011, approximately \$121,821.00 seized from Wells
4 Fargo Bank account number 8303260072 on September 14, 2011, approximately \$958.53 seized
5 from Wells Fargo Bank account number 7268864399 on September 14, 2011, and approximately
6 \$77,437.98 seized from CitiBank account number 40036583595 on September 14, 2011
7 (collectively “defendant funds”).
8
- 9 2. The Verified Complaint for Forfeiture *In Rem* ("Complaint") was filed on February 16, 2012,
10 alleging that said defendant funds are subject to forfeiture to the United States of America
11 pursuant to 18 U.S.C. § 984 and 31 U.S.C. § 5317(c)(2) incorporating the procedures governing
12 civil forfeitures in money laundering cases pursuant to 18 U.S.C. § 981(a)(1)(A), as property
13 involved in violations of 31 U.S.C. § 5324(a)(1), which prohibits causing, or attempting to cause
14 a financial institution to fail to file Currency Transaction Reports (CTRs) and 31 U.S.C. §
15 5324(a)(3), which prohibits the structuring or assisting in structuring, or attempting to structure
16 or assist in the purpose of evading the reporting requirements of 31 U.S.C. §§ 5313(a) or 5325 to
17 21 U.S.C. §§ 881(a)(4) and 881 (a)(6).
18
- 19 3. On February 29, 2012, the Clerk issued a Warrant for Arrest for the defendant funds, which was
20 duly executed.
21
- 22 4. Beginning on February 23, 2012, and continuing for at least 30 consecutive days, the United
23 States published notice of this action on the official government forfeiture site
24 www.forfeiture.gov. A Declaration of Publication was filed with the Court.
- 25 5. In addition to the public notice on the official internet government forfeiture site
26 www.forfeiture.gov , direct notice or attempted direct notice was given to the following
27 individuals:
28

- a. Mohamed "Samy" Hauter
- b. Mohamed "Bob" Hauter
- c. Neal Costanzo, Esq.

6. On March 2, 2013, Mohamed "Samy" Hauter and Mohamed "Bob" Hauter, each filed a claim in the instant forfeiture action; and on April 10, 2012, each filed an Answer. To date, no other parties have filed claims or answers in this matter, and the time in which any person or entity may file a claim and answer has expired.

Based on the above findings, and the files and records of the Court, it is hereby ORDERED

AND ADJUDGED:

1. The Court adopts the Stipulation for Final Judgment of Forfeiture entered into by and between the parties to this action, and incorporates it by reference herein.
2. That judgment is hereby entered against Claimant Mohamed "Samy" Hauter, Claimant Mohamed "Bob" Hauter, and all other potential claimants who have not filed claims in this action.
3. Upon entry of the Final Judgment of Forfeiture herein \$ 87,500.00, together with any interest which may have accrued on the full amount of the defendant funds, shall be forfeited to the United States pursuant to 18 U.S.C. §§ 984, 981, and 31 U.S.C. § 5317(c)(2), to be disposed of according to law.
4. Within 45 days of entry of the Final Judgment of Forfeiture herein, \$ 362,744.51 of the defendant funds shall be returned to Claimants Mohamed "Samy" Hauter and Mohamed "Bob" Hauter, via Claimants' counsel: Neal E. Costanzo, Costanzo & Associates, 575 E. Locust Avenue, Suite 115, Fresno, CA 93720 (559) 261-0163.
5. That the United States of America and its servants, agents, and employees and all other public entities, their servants, agents, and employees, are released from any and all liability arising out of or in any way connected with the seizure, arrest, or forfeiture of the defendant funds. This is

1 a full and final release applying to all unknown and unanticipated injuries, and/or damages
2 arising out of said seizure, arrest, or forfeiture, as well as to those now known or disclosed. The
3 parties to this agreement agree to waive the provisions of California Civil Code § 1542.

4 6. That pursuant to the stipulation of the parties, and the allegations set forth in the Complaint filed
5 on February 16, 2012, the Court finds that no party substantially prevailed within the meaning of
6 28 U.S.C. § 2465, that there was probable cause for arrest and seizure of the defendant funds,
7 and for the commencement and prosecution of this forfeiture action, and a Certificate of
8 Reasonable Cause pursuant to 28 U.S.C. § 2465 shall be entered accordingly.
9

10 7. All parties are to bear their own costs and attorney's fees.

11 8. The U.S. District Court for the Eastern District of California shall retain jurisdiction to enforce
12 the terms of the parties' Stipulation for Final Judgment of Forfeiture, and this Final Judgment of
13 Forfeiture.
14

15 The clerk is directed to close this case.

16
17 IT IS SO ORDERED.

18 Dated: November 26, 2013

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE